

Introduced by Senator ScottFebruary 20, 2004

An act to add Section 8358.3 to the Education Code, relating to child care.

LEGISLATIVE COUNSEL'S DIGEST

SB 1657, as introduced, Scott. CalWORKs program recipients.

Existing law, the Child Care and Development Services Act, states the intent of the Legislature that all families have access to child care and development services. The act establishes a system of child care services through which a recipient of aid under the CalWORKs program, or any successor program, will pass, and imposes various duties on the State Department of Education and the State Department of Social Services regarding this child care program for CalWORKs program recipients.

This bill would require the State Department of Education and the State Department of Social Services, in consultation with specified persons, to develop regulations in certain areas, including, among others, fraud prevention, funds recovery, and standards for referral of serious violations to law enforcement agencies. The bill would also require that a recipient, child care provider, or child care contractor, as appropriate, be provided with certain procedural due process rights if any action is proposed by the State Department of Education or the State Department of Social Services that may result in the termination of a subsidy, the recovery of funds, or criminal prosecution.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.



The people of the State of California do enact as follows:

1 SECTION 1. (a) It is the intent of the Legislature that only
2 CalWORKs families and children eligible to receive child care
3 assistance receive it and that approved providers of child care be
4 reimbursed for that care.

5 (b) It is further the intent of the Legislature to:

6 (1) Require the State Department of Education and the State
7 Department of Social Services, in consultation with the county
8 welfare departments, associations representing alternative
9 payment programs, child care providers and contractors, and other
10 interested parties, to develop regulations to assure that inaccurate
11 application and reporting practices, misappropriation of funds,
12 and other fraudulent practices are prevented, investigated, and
13 terminated.

14 (2) Ensure that, to the extent criminal activities are found, the
15 State Department of Education and the State Department of Social
16 Services take necessary action to recover funds and to encourage
17 the investigation and prosecution of offending parties, as
18 appropriate.

19 SEC. 2. Section 8358.3 is added to the Education Code, to
20 read:

21 8358.3. (a) The State Department of Education and the State
22 Department of Social Services shall, in consultation with the
23 county welfare departments, associations representing alternative
24 payment programs, child care providers and contractors, and other
25 interested parties, develop regulations in the areas of, but not
26 limited to, defining misappropriation and fraud, fraud prevention,
27 proper attendance reporting, fraudulent claims and overpayments,
28 funds recovery, and standards for referral of serious violations to
29 law enforcement agencies.

30 (b) If any action is proposed by the State Department of
31 Education or the State Department of Social Services that may
32 result in the termination of a subsidy, the recovery of funds, or
33 criminal prosecution, the recipient, child care provider, or child
34 care contractor, as appropriate, shall be provided with proper
35 notice, a right to a hearing, and a right to appeal an adverse
36 decision.

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